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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

12 J. AUGUSTO BASTIDAS, M.D.;

13 PLAINTIFF,

14 v.

15 GOOD SAMARITAN HOSPITAL LP, A
16 DELAWARE LIMITED PARTNERSHIP;
GOOD SAMARITAN HOSPITAL LLC, A
17 DELAWARE LIMITED LIABILITY
COMPANY; GOOD SAMARITAN
18 HOSPITAL MEDICAL STAFF, A
CALIFORNIA UNINCORPORATED
19 ASSOCIATION; HCA, INC., A DELAWARE
CORPORATION; STEVEN M. SCHWARTZ,
20 M.D.; AND BRUCE G. WILBUR, M.D.

21 DEFENDANTS.

CASE NO. C-13-4388-SI

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER TO VACATE THE INITIAL
CASE MANAGEMENT CONFERENCE
SCHEDULED FOR MARCH 21, 2014**

Judge: Hon. Susan Illston
Complaint Filed: September 20, 2013
Trial Date: None Set

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C-13-4388-SI

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Samaritan, LLC, and Good Samaritan Hospital Medical Staff,
8 Stephen M. Schwartz, M.D., and Bruce G. Wilbur, M.D.

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1 WHEREAS, on September 20, 2013, Plaintiff J. Augusto Bastidas, M.D. filed a Complaint
2 against Defendants Good Samaritan Hospital LP; Good Samaritan Hospital LLC; Good Samaritan
3 Hospital Medical Staff; HCA Inc.; Steven M. Schwartz, M.D.; and Bruce G. Wilbur, M.D. for (1)
4 racial discrimination under 42 U.S.C. § 1981, and (2) denial of due process under 42 U.S.C.
5 § 1983; and
6

7 WHEREAS, previously on October 23, 2013, the parties stipulated and received the
8 Court's permission to an extension until December 2, 2013 for Defendants to answer or otherwise
9 respond to Plaintiff's Complaint; and
10

11 WHEREAS, previously on December 17, 2013, the parties stipulated to and received the
12 Court's permission to re-set the initial Case Management Conference from February 28, 2014 to
13 March 21, 2014; and

14 WHEREAS, previously on January 24, 2014, the parties stipulated and received the
15 Court's permission to change the Opposition and Reply Deadlines to the above referenced
16 Motions to Dismiss filed by the Good Samaritan Hospital Defendants and HCA Inc. and the
17 Motion to Strike filed by HCA Inc., such that the final Replies were due and filed on February 21,
18 2014; and
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20 WHEREAS, previously on February 28, 2014, the parties stipulated and received the
21 Court's permission to extend the deadline to hold the Federal Rule of Civil Procedures 26(f)
22 conference until 10 days following the date of the latest entered order by the Court as to the
23 Motions to Dismiss filed by the Good Samaritan Hospital Defendants and HCA Inc. and the
24 Motion to Strike filed by HCA Inc. (the "Latest Entered Order"). The parties further stipulated and
25 received the Court's permission to defer related reporting deadlines, including addressing certain
26 topics in the Joint Case Management Statement due on March 14, 2014 until 25 days following the
27 date of the Latest Entered Order; and
28

1 WHEREAS, on March 13, 2014 the parties filed a Joint Case Management Statement
2 [Docket 55]; and

3 WHEREAS, on March 13, 2014, the Court entered an Order Granting Motions to Dismiss
4 (“March 13, 2014 Order”) [Docket 56] in which the Motion to Dismiss filed by GSH Defendants
5 [Docket 43] and the Motion to Dismiss filed by HCA Inc. [Docket 41] were granted, with leave to
6 amend except as to the claim under 42 U.S.C. Section 1983. The March 13, 2014 Order also
7 denied as moot HCA Inc.’s Motion to Strike [Docket 42]; and

9 WHEREAS, the parties’ initial Case Management Conference is currently scheduled on
10 March 21, 2014 at 2:30 P.M.; and

11 WHEREAS, given the rulings in the March 13, 2014 Order and the matters that have been
12 addressed in the Joint Case Management Conference, the parties agree that a Case Management
13 Conference would be premature at this time, and also agree that they should jointly request the
14 Court to vacate the Case Management Conference, subject to the Court’s establishing a future date
15 and time for the same as the Court deems appropriate.

17 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the parties
18 as follows:

- 19 1. The parties jointly request that the Court vacate the initial Case Management
20 Conference scheduled for March 21, 2014 at 2:30 P.M.
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22 2. The Initial Case Management Conference will be rescheduled by the Court when
23 and as it deems appropriate.

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Respectfully submitted,

DATED: March 17, 2014

HENNEFER, FINLEY & WOOD, LLP

BY: /s/ James A. Hennefer
JAMES A. HENNEFER
Attorneys for Plaintiff J. Augusto Bastidas, M.D.

SHANNON, MARTIN, FINKELSTEIN, ALVARADO
& DUNNE, P.C.

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Carlos A. Mattioli (*Pro Hac Vice*)
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Hospital, L.P., Samaritan, LLC, Good Samaritan
Hospital Medical Staff, Steven M. Schwartz,
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[[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. Case management conference set
6/6/14.

DATED: 3/18/14



HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

FILER'S ATTESTATION

I, George A. Shannon, Jr., hereby attest that concurrence in the filing of this Joint Stipulation to Vacate the Initial Case Management Conference Scheduled for March 21, 2014 has been obtained from each of the other signatories listed above, each of whom has authorized me to affix their electronic signature to this Stipulation.

Respectfully submitted,
SHANNON, MARTIN, FINKELSTEIN, ALVARADO
& DUNNE

By: /s/ George A. Shannon, Jr.

George A. Shannon, Jr.
Attorney for Defendant HCA Inc.

CERTIFICATE OF SERVICE

STATE OF TEXAS, COUNTY OF HARRIS

At the time of service, I was over 18 years of age and not a Party to this action. I am employed in the County of Harris, State of Texas. My business address is 1001 McKinney Street, Suite 1100, Houston, TX 77002.

On March 17, 2014, I served true copies of the following document(s) described as

**JOINT STIPULATION TO RESET INITIAL CASE MANAGEMENT
CONFERENCE**

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of George A. Shannon, Jr. who has been admitted pro hac vice in this case and at whose direction the service was made.

Executed on March 17, 2014, at Houston, Texas.

/s/ Cindy DeMott
Cindy DeMott